

IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
**No. 7:14-CV-274-BO**

DANIEL JONES, JR.,

Plaintiff,

v.

ORDER

CAROLYN W. COLVIN,  
Acting Commissioner of  
Social Security

Defendant.

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This matter is before the court on Defendant's Motion for Remand to the Commissioner for further administrative proceedings. The Commissioner wishes to vacate the current ALJ decision, conduct further fact finding, including a new hearing and a new decision by a different administrative law judge (ALJ).

Plaintiff's counsel objects to the Government's Motion for Remand. Plaintiff's counsel would consider consenting if the Government preserves the closed period of disability established in the current decision. The Commissioner responds that the current ALJ's decision is inconsistent regarding the establishment of a closed period of disability and the ending of that period based upon medical improvement, and that such inconsistency makes it impossible to preserve a closed period of disability based upon that decision.

Upon remand, the Commissioner will direct the new ALJ to

reevaluate the entire period at issue, obtain medical expert testimony or a consultative examination to determine whether medical improvement occurred, further evaluate the severity of the plaintiff's obesity, further evaluate the severity of any mental impairment, and obtain supplemental vocational expert (VE) testimony if warranted.

The Court finds good cause has been alleged for remand. Accordingly, the Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) and remands the case to the Commissioner for further proceedings, including a new hearing, as outlined above. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

The Clerk of Court is directed to enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this 23 day of ~~April~~<sup>April</sup>, 2015.

  
Terrence W. Boyle  
United States District Judge